

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator  
L. Carol Edmonds, Assistant County Administrator

DATE: July 11, 2011

**SUBJECT: AGENDA REPORT**

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**I. CALL TO ORDER**

**II. INTO CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.
1. Project # 2011-002
  2. Project # 2011-022
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Old Blacksburg Middle School Property
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Library Board
  2. Workforce Investment Board

### **III. OUT OF CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

### **IV. CERTIFICATION OF CLOSED MEETING**

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

### **V. INVOCATION**

### **VI. PLEDGE OF ALLEGIANCE**

**VII. DELEGATIONS**

**A. SUBJECT: VIRGINIA DEPARTMENT OF  
TRANSPORTATION**

**Virginia Department of Transportation**

David Clarke, VDOT Residency Administrator, will update the Board of Supervisors on road issues/concerns in Montgomery County.

**VIII. PUBLIC ADDRESS**

**IX. ADDENDUM**

**X. CONSENT AGENDA**

**XI. OLD BUSINESS**

**A. SUBJECT: REAL ESTATE AGREEMENT –MOUNTAIN  
VALLEY CHARITABLE FOUNDATION**

**R-FY-12-  
RESOLUTION APPROVING REAL ESTATE SALES AGREEMENT  
WITH MOUNTAIN VALLEY CHARITABLE FOUNDATION  
FOR SALE OF OLD ELLISTON FIRE STATION PROPERTY**

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Real Estate Sales Agreement by and between the County of Montgomery, Virginia and Mountain Valley Charitable Foundation, Inc. for the sale of the old Elliston Fire Station Property.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Board hereby authorizes James Politis, Chair to sign the Real Estate Sales Agreement and any required documents on behalf of the County that are required to convey the property to Mountain Valley Charitable Foundation.

ISSUE/PURPOSE: To approve the Real Estate Sales Agreement with Mountain Valley Charitable Foundation.

JUSTIFICATION: See TAB E for a copy of the Real Estate Agreement.

**B. SUBJECT: OPTION AGREEMENT -VDOT PURCHASE  
OF COUNTY PROPERTY**

**R-FY-12-  
A RESOLUTION APPROVING AN OPTION AGREEMENT WITH  
THE COMMONWEALTH OF VIRGINIA  
FOR THE PURCHASE OF COUNTY PROPERTY  
FOR I-81 TRUCK LANE WIDENING PROJECT**

WHEREAS, The Commonwealth of Virginia Department of Transportation (“the Commonwealth”) has requested to purchase from the County 0.339 acres and a 0.636 acre drainage easement (“the Property”) from a portion of the 116 acres the County owns off Den Hill Road, identified as Tax Map 81-A-14, for VDOT’s I-81 Truck Lane Widening project; and

WHEREAS, The Board of Supervisors is amenable to selling the Property to the Commonwealth for the I-81 Truck Lane Widening Project; and

WHEREAS, The Board of Supervisors held a public hearing pursuant to Section 15.2-1800 of the 1950 Code of Virginia, at its regular Board meeting on Monday, June 27, 2011, to hear citizen comments on the Board’s intention to sell the Property to the Commonwealth; and

WHEREAS, The Commonwealth has requested the County to enter into an Option Agreement whereby the Commonwealth has a one-year period to execute its option to purchase the Property from the County.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the Option Agreement by and between the Board of Supervisors of the County of Montgomery, Virginia and the Commonwealth of Virginia whereby the Board agrees to convey 0.339 acres and a 0.636 acre drainage easement to the Commonwealth pursuant to the terms and conditions of the Option Agreement.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Board hereby authorizes James Politis, Chair, to sign the Option Agreement and all other documentation required to convey the said Property to the Commonwealth on behalf of the County of Montgomery.

ISSUE/PURPOSE: ` To enter into an Option Agreement with the Virginia Department of Transportation.

JUSTIFICATION: VDOT is requesting to purchase a drainage easement from a portion of the 116 acres the County owns off Den Hill Road for the I-81 Truck

Lane Widening project. See TAB **F** for a copy of the Option Agreement.

**C. SUBJECT: REZONING – MONTGOMERY COUNTY  
1870 BIG SPRING DRIVE**

**ORD- FY-12-  
ORDINANCE AMENDING THE ZONING CLASSIFICATION  
OF APPROXIMATELY 0.105 ACRES FROM AGRICULTURAL (A-1)  
TO GENERAL BUSINESS (GB) IN THE SHAWSVILLE MAGISTERIAL DISTRICT  
LOCATED AT 1870 BIG SPRING DRIVE  
IDENTIFIED AS TAX PARCEL NO. 59A-A-31, ACCOUNT NUMBER 070714**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore approves the request to rezone approximately 0.105 acres from Agriculture (A1) to General Business (GB), to allow retail sales.

The subject parcel is located at 1870 Big Spring Drive and is identified as Tax Parcel No. 59A-A-31 (Acct # 070714) in the Shawsville Magisterial District (District C).

The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use within the Elliston-Lafayette Village Plan.

This action was commenced upon the application of Montgomery County.

This ordinance shall take effect upon adoption.

ISSUE/PURPOSE: ` Rezone property from A-1 to GB.

JUSTIFICATION: This rezoning is at the request of the Board of Supervisors. Mountain Valley Charitable Foundation has submitted an offer to purchase the old Elliston Fire Station. They plan to renovate the building for a YMCA Thrift Store. A public hearing was held on March 28, 2011. The Planning Commission recommended approval.

**D. SUBJECT: REZONING – KIM AND KENNETH TAYLOR  
1860 BIG SPRING DRIVE**

**ORD-FY-12-  
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF  
APPROXIMATELY 0.12 ACRES FROM AGRICULTURAL (A-1) TO GENERAL  
BUSINESS (GB) AND 0.494 ACRES FROM AGRICULTURAL (A-1) TO  
RESIDENTIAL (R3) IN THE SHAWSVILLE MAGISTERIAL DISTRICT  
LOCATED AT 1860 BIG SPRING DRIVE  
IDENTIFIED AS TAX PARCEL NO (S) 59A-A-42, ACCOUNT NUMBER 008389  
KIM AND KENNETH TAYLOR**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning, is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore approves the request to rezone approximately 0.12 acres from Agriculture (A1) to General Business (GB), to allow retail sales and approximately 0.494 acres from Agriculture (A1) to Residential (R-3), to allow a single or two-family dwelling.

The subject parcel is located at 1860 Big Spring Drive and is identified as Tax Parcel No. 59A-A-4-2\* (Acct # 008389) in the Shawsville Magisterial District (District C).

The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use within the Elliston-Lafayette Village Plan.

This action was commenced upon the application of Kim Taylor and Kenneth Ford (Agent: Mountain Valley Charitable Foundation).

This ordinance shall take effect upon adoption.

**JUSTIFICATION:** The applicant is proposing to sell a portion of this parcel (0.131 acres) to Mountain Valley Charitable Foundation. The proposed use for the conveyance of land is parking to support a proposed retail sales establishment (YMCA Thrift Store). The rezoning from A-1 to GB will enable the owners to sell the property. The applicant is also requesting the rezoning of the remainder lot (0.483 acres) from A-1 to R-3 to be in conformance with the zoning ordinance, as the lot size is less than one acre. A public hearing was held on March 28, 2011.

**E. SUBJECT: SPECIAL USE PERMIT – RANDALL AND VIRGINIA SLUSSER (FOR DENIAL)**

**R-FY-12-  
SPECIAL USE PERMIT  
RANDALL W. SLUSSER AND VIRGINIA D. SLUSSER  
FOR THE PURPOSE OF ALLOWING ONE ADDITIONAL LOT ASSIGNMENT  
THAN THE TOTAL PERMITTED BY THE SLIDING SCALE FOR A FAMILY  
SUBDIVISION IN THE MOUNT TABOR MAGISTERIAL DISTRICT  
(DISTRICT A) PARCEL ID 016766, TAX MAP NUMBER 19-3-12  
RANDALL AND VIRGINIA SLUSSER**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by Randall W. Slusser and Virginia D. Slusser for a Special Use Permit on 5.023 acres in an Agriculture (A-1) zoning district to allow for one additional lot assignment than the total permitted by the sliding scale for the purpose of allowing a family subdivision to be located at 4840 Natures Way Road (SR 734) and identified as Tax Parcel No. 19-3-12 (Acct # 016766) is hereby **denied**.

JUSTIFICATION: At their June 8, 2011 meeting, the Planning Commission recommended denial of this request. The subject property is under a private deed restriction which states that the land shall not be re-subdivided. The Planning Commission believed that the County should not be involved in the enforcement of a private subdivision covenants and restrictions. See TAB G.

**F. SUBJECT: ORDINANCE AMENDING CHAPTER 10, SECTIONS 10-25, 10-26, 10-27, 10-33, 10-35 AND 10-36. QUALIFYING LAND IN URBAN DEVELOPMENT AREAS**

**ORD-FY-12-  
AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING, SECTIONS 10-25, 10-26, 10-27, 10-33, 10-35 AND 10-36 OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY ADDING LAND LOCATED IN THE URBAN DEVELOPMENT AREAS TO THE LIST OF QUALIFYING LANDS IN THE RESIDENTIAL R-2, R-3, RM-1 DISTRICTS, IN THE PLANNED INDUSTRIAL (PIN), PLANNED UNIT DEVELOPMENT (PUD) AND THE PLANNED MOBILE HOME RESIDENTIAL PARK (PMR) DISTRICTS AND SECTION 10-61 OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA, BY ADDING AND /OR MODIFYING THE DEFINITIONS OF THE FOLLOWING TERMS: ALLEY, FINANCIAL SERVICES, GREEN, NATURAL AREA/PRESERVE, PARK AND SQUARE / PLAZA**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, of the Code of the County of Montgomery, Virginia shall be amended and reordained by amending Sections 10-25, 10-26, 10-27, 10-33, 10-35 and 10-36 as shown in TAB H.

JUSTIFICATION: During the discussion of Urban Development Areas and Traditional Neighborhood Districts it was discovered that amendments to the zoning ordinance were needed to maintain consistency between the zoning ordinance and comprehensive plan. The proposed amendments modifies the several definitions and adds a list of qualifying lands to the UDA and TND districts. At their June 8, 2011 meeting, the Planning Commission recommended approval of the amendments.

**G. SUBJECT: ORDINANCE AMENDING CHAPTER 10,  
SECTION 10-45, SIGN REGULATIONS**

**ORD-FY-12-  
AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING OF THE CODE OF  
THE COUNTY OF MONTGOMERY, VIRGINIA, BY AMENDING SECTION 10-45  
SIGN REGULATIONS BY ADDING REGULATIONS REGARDING  
LED/CHANGEABLE MESSAGE SIGNS; BY AMENDING THE SIGN MATRIX TO  
ALLOW FOR DIRECTORY SIGNAGE AND REGULATIONS FOR THE NEW TND-  
INFILL AND TND PUD DISTRICTS; BY CREATING ALLOWANCES FOR  
SHOPPING CENTERS FOR RETAIL SPACE WITH WALLS UP TO ONE THOUSAND  
(1,000) SQUARE FEET; BY ADDING REGULATIONS REGARDING OFF-PREMISE  
SIGNS FOR SEMI-PUBLIC USES, COMMUNITY SIGNS, SUBDIVISION SIGNS AND  
SIGNS FOR CHURCH, CHAPEL, SYNAGOGUE, TEMPLE OR OTHER PLACES OF  
WORSHIP AND BY INCLUDING PROVISIONS ALLOWING FOR A SPECIAL USE  
PERMIT TO BE ISSUED BY THE BZA TO ALLOW FOR AN INCREASE IN SIGN  
AREA IN CERTAIN CIRCUMSTANCES**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, of the Code of the County of Montgomery, Virginia shall be amended and reordained by amending Section 10-45 as shown in TAB I.

JUSTIFICATION: The proposed amendments provide the following:  
1. Allows message signs on and off the property for certain public and semi-public use,



2. Allows additional signage in certain business and mixed-use development; and
3. Gives flexibility to the Board of Zoning Appeals in allowing signage in certain cases.

At their May 11, 2011 meeting, the Planning Commission recommended approval of the proposed amendments.

**H. SUBJECT: ORDINANCE AMENDING CHAPTER 10,  
SECTION 10-52 (3) – PLACARD**

**ORD-FY-12-  
AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING, SECTION 10-52  
(3) (b) BY REQUIRING COUNTY STAFF AND NOT THE APPLICANT APPLYING  
FOR LAND USE APPROVAL TO POST A PLACARD NOTICE ON  
THE PROPERTY NOTIFYING THE PUBLIC OF THE PLACE AND  
TIME OF AN UPCOMING PUBLIC HEARING**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, of the Code of the County of Montgomery, Virginia shall be amended and reordained by amending Section 10-52 as shown in TAB **J**.

**JUSTIFICATION:** Rezoning applicants are no longer required to post public hearing notice on their property. This amendment assigns this responsibility to the County staff.

At their June 8, 2011 meeting, the Planning Commission recommended approval of the proposed amendment.

**XII. NEW BUSINESS**

**A. SUBJECT: MONTGOMERY COUNTY SCHOOL BOARD  
COMPREHENSIVE AGREEMENT UNDER  
PPEA – BHS, AHS AND AMS PROJECTS**

**R-FY-12  
A RESOLUTION AUTHORIZING THE MONTGOMERY COUNTY SCHOOL BOARD  
TO ENTER INTO A COMPREHENSIVE AGREEMENT UNDER PPEA  
FOR THE BLACKSBURG HIGH SCHOOL, AUBURN HIGH SCHOOL AND  
AUBURN MIDDLE SCHOOL PROJECTS**

WHEREAS, The Montgomery County School Board (“the School Board”) desires to design and construct a new Blacksburg High School and a new Auburn High School, and renovate the Auburn Middle School (“School Projects”); and

WHEREAS, The School Board adopted Guidelines for Implementation of the Public-Private Education Facilities and Infrastructure Act of 2002; and

WHEREAS, Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (“the PPEA”), the School Board received an unsolicited proposal to develop the School Projects; and

WHEREAS, The School Board accepted the unsolicited proposal for consideration and advertised for competing proposals, receiving three additional proposals for consideration; and

WHEREAS, The School Board has determined that proceeding under the procurement procedures pursuant to the PPEA is advantageous to both the School Board and the public; and

WHEREAS, Following a review of all proposals, the School Board has selected the Branch Group, Inc. as the private entity the School Board desires to enter into a Comprehensive Agreement with for the development of the School Projects; and

WHEREAS, The School Board has briefed the Montgomery County Board of Supervisors on the proposal submitted by Branch & Associates, Inc., and on the School Board’s intent to enter into a Comprehensive Agreement with Branch & Associates, Inc. to develop the School Projects; and

WHEREAS, Section 56-575.16 of the PPEA requires the local governing body to authorize the School Board to enter into a comprehensive agreement under the PPEA.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the School Board to enter into a Comprehensive Agreement under the provisions of the PPEA with Branch & Associates, Inc., for the development of the School Projects.

JUSTIFICATION:	The PPEA requires the Board of Supervisors to authorize the School Board to enter into an agreement.
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**B. SUBJECT: RESOLUTION OF SUPPORT  
VDOT PROJECT – NORTH FORK ROAD (SR 603)**

**R-FY-12-  
RESOLUTION OF SUPPORT  
VIRGINIA DEPARTMENT OF TRANSPORTATION'S  
PROJECT ON NORTH FORK ROAD (SR 603)**

WHEREAS, The Virginia Department of Transportation held a public hearing on May 29, 2011 for the purpose of discussing the proposed improvements to North Fork Road (SR 603) located in Montgomery County, VA.; and

WHEREAS, The purpose of the proposed Ironto/Elliston connector project is to reconstruct North Fork Road (SR 603) in Montgomery County to current standards to improve safety and capacity; and

WHEREAS, This project will provide a better connection between Route 11/460 and Interstate 81 at exit 128; and

WHEREAS, The Board of Supervisors does hereby support the proposed improvements to North Fork Road (SR 603).

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby supports the proposed improvements to North Fork Road (SR 603).

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Virginia Department of Transportation Salem Residency Office.

ISSUE/PURPOSE: Resolution supporting the proposed improvements to North Fork Road.

JUSTIFICATION: The purpose of the proposed Ironto/Elliston connector project is to reconstruct Route 603 (North Fork Road) in Montgomery County to current standards to improve safety and capacity. The proposed project would provide two 12-foot travel lanes with eight-foot shoulders and retaining walls.

This project would provide a better connection between Route 11/460 and Interstate 81 at exit 128. The current cost estimate is \$17 million.

**C. SUBJECT: STATE BUDGET CUTS METHOD OF REIMBURSEMENT FOR FY 2012**

**R-FY-12-  
STATE BUDGET CUTS METHOD  
OF REIMBURSEMENT FOR FY 2012**

WHEREAS, The 2012 Appropriations Act requires the reduction in state aid to local governments in FY 2012; and

WHEREAS, The Act also provides three methods from which a locality can choose to carry out the required reduction which include:

1. Take the reduction from one or more programs on a list provided by the Department of Planning and Budget,
2. Make a reimbursement payment directly to the state for the total locality reduction,
3. Elect a combination of reductions and reimbursement payments,

WHEREAS, The Department of Planning and Budget identified Montgomery County's reduction for FY 2012 totaling \$408,350.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Montgomery County elects to take the reduction from one or more programs on a list provided by the Department of Planning and Budget, as the method to address the required state mandated funding reduction.

ISSUE/PURPOSE: Selection of method to administer the FY 2012 Flexible Cut.

JUSTIFICATION: This resolution elects the method of administering the Flexible Cut that is consistent with the County's FY 2012 Approved Budget. The amount of the cut is \$408,350, which includes the Comprehensive Services Act (\$77,002) and the Juvenile Detention Home (\$33,290) both of which will absorb revenue reductions. The remaining \$298,058 has been accommodated within the FY 12 Approved Budget. The deadline for informing the state of the County's reduction method is August 30, 2011. No appropriation is required for these funds as no expenditure adjustments are necessary.

**D. SUBJECT: RESOLUTION OF APPRECIATION  
MONTGOMERY-FLOYD REGIONAL  
LIBRARY MICHAEL HEMPHILL**

**R-FY-12-  
RESOLUTION OF APPRECIATION  
MONTGOMERY-FLOYD REGIONAL  
LIBRARY BOARD-MICHAEL HEMPHILL**

**WHEREAS, *Michael Hemphill*** has faithfully served as a member of the Montgomery-Floyd Regional Library Board from July 2003 through June 2011; and

**WHEREAS, *Michael Hemphill*** served as Vice Chair of the Montgomery-Floyd Regional Library Board in 2005, 2007 and 2009; and served as Chair in 2010 and 2011; and

**WHEREAS,** The County recognizes the dedicated service that ***Michael Hemphill*** has rendered the citizens of Montgomery County.

**NOW, THEREFORE, BE IT RESOLVED,** The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to ***Michael Hemphill***.

**BE IT FURTHER RESOLVED,** That the original of this resolution be presented to ***Michael Hemphill*** and that a copy be made a part of the official Minutes of Montgomery County.

ISSUE/PURPOSE: Adopt a resolution of appreciation for Michael Hemphill for his service on the Montgomery-Floyd Regional Library Board.

JUSTIFICATION: Mr. Hemphill served as a member of the Library Board from July 2003 through June 2011. Because of the 2-term limit for Library Board appointments (State Code), Mr. Hemphill is not eligible for reappointment.

**XIII. COUNTY ATTORNEY'S REPORT**

#### **XIV. COUNTY ADMINISTRATOR'S REPORT**

1. Tax Exempt Request ( TAB **K** )

#### **XV. BOARD MEMBERS' REPORTS**

1. Supervisor Biggs
2. Supervisor Marrs
3. Supervisor Muffo
4. Supervisor Creed
5. Supervisor Perkins
6. Supervisor Brown
7. Supervisor Politis

#### **XVI. OTHER BUSINESS**

#### **XVII. ADJOURNMENT**

##### **FUTURE MEETINGS**

Adjourned Meeting  
Monday, July 25, 2011  
6:00 p.m. Closed Meeting  
7:15 p.m. Regular Meeting

Regular Meeting  
Monday, August 8, 2011  
6:00 p.m. Closed Meeting  
7:15 p.m. Regular Meeting

Adjourned Meeting  
Monday, August 22, 2011  
6:00 p.m. Closed Meeting  
7:15 p.m. Regular Meeting